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On April 15, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Tawanna J. Baird

*7/16  
7/25/03*  
PATENT  
Attorney Docket No.: 019941-000410US  
Client Ref. No.: Y0107-US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Toyohiro Sawada *et al.*

Application No.: 09/834,414

Filed: April 12, 2001

For: DRUG DELIVERY SYSTEM FOR  
AVERTING PHARMACOKINETIC  
DRUG INTERACTION AND METHOD  
THEREOF

Examiner: Konata M. George

Art Unit: 1616

**REQUEST FOR RECONSIDERATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed April 4, 2003, Applicants respectfully request reconsideration of the finality of the Office Action.

Under MPEP § 706.07(b), it is not proper to make final a first Office action following a request for continued examination (RCE) under 37 CFR 1.114 where all claims are *not* drawn to the same invention prior to entry of the RCE.

With entry of the RCE, claims 18-21 were newly added. Therefore, Applicant respectfully requests that the Examiner withdraw the finality of the Office Action dated April 4, 2003.

Toyohiro Sawada *et al.*  
Application No.: 09/834,414  
Page 2

PATENT

Further, Applicant has not been afforded an opportunity to respond to the Examiner's new rejection of claims 18-21. As such, Applicants respectfully request that the Examiner withdraw the finality of the previous Office Action.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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